

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

☐ Valuation of Security ☐ Assumption of Executory Contract or Unexpired Lease ☐ Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

In Re: **Anthony C. Lamonica**

Case No.: **19-23382**

Judge: **VFP**

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

☐ Original
☐ Motions Included

☒ Modified/Notice Required
☐ Modified/No Notice Required

Date: **April 1, 2020**

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney SET Initial Debtor: ACL Initial Co-Debtor _____

Part 1: Payment and Length of Plan

a. The debtor shall pay a total of \$10,610.00 to the Chapter 13 Trustee from August 2019 through March 2020 (8 months); the debtor shall pay \$500.00 monthly to the Chapter 13 Trustee for approximately 3 months starting April 2020; the debtor shall pay \$2,560.00 monthly to the Chapter 13 Trustee for approximately 49 months starting July 2020. The total length of Plan is approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future Earnings
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property
Description:
Proposed date for completion: _____

☐ Refinance of real property:
Description:
Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:
Description:
Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

☒ NONE

a. Adequate protection payments will be made in the amount of \$____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
IRS	Taxes and certain other debts	0.00
State of New Jersey	Taxes and certain other debts	0.00

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:
☒ None
☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
M & T Bank	768 Springfield Avenue, Unit C-1 Summit, NJ 07901	41,553.06, plus 22,435.22 pursuant to Court Order	0.00	63,988.28	pursuant to note and mortgage
Summit West Association, Inc.	768 Springfield Avenue, Unit C-1, Summit, NJ 07901	0.00 (arrears paid by M & T)	0.00	0.000	pursuant to homeowner's association agreement
JPMorgan Chase Bank, NA	2013 Nissan Pathfinder	447.53	0.00	447.53	pursuant to finance agreement

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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-NONE-

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
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f. Secured Claims Unaffected by the Plan ☒ NONE

The following secured claims are unaffected by the Plan:

Creditor

g. Secured Claims to be Paid in Full Through the Plan ☒ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
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Part 5: Unsecured Claims ☐ NONE

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

☒ Not less than 51,943.47 to be distributed *pro rata*

☐ Not less than ___ percent

☐ *Pro Rata* distribution from any remaining funds

b. **Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
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Part 7: Motions ☒ **NONE**

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ☒ **NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒
NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
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c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ **NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
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Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **Lease Arrearages**
- 5) **Priority Claims**
- 6) **General Unsecured Claims**

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: **September 10, 2019**

Explain below **why** the plan is being modified:

To include arrears added to Plan by Court Order and adjust Plan payment based on temporary COVID-19 decrease in son's contribution, and future increase to cure arrears due

Explain below **how** the plan is being modified:

same

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to *Local Form, Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: May 4, 2020

/s/ Anthony C. Lamonica

Anthony C. Lamonica

Debtor

Date: _____

Joint Debtor

Date May 4, 2020

/s/ Scott E. Tanne

Scott E. Tanne st2477

Attorney for the Debtor(s)

Certificate of Notice Page 8 of 9

United States Bankruptcy Court
District of New JerseyIn re:
Anthony C. Lamonica
DebtorCase No. 19-23382-VFP
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 54

Date Rcvd: May 12, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 14, 2020.

db
518343188 +Anthony C. Lamonica, P O Box 1851, Livingston, NJ 07039-7451
518343182 +AXA Equitable, PO Box 1047, Charlotte, NC 28201-1047
518397968 +Alert Ambulance Service, PO Box 192, Brick, NJ 08723-0192
American Express National Bank, c/o Becket and Lee LLP, PO Box 3001,
Malvern PA 19355-0701
518343183 +Amex, Correspondence/Bankruptcy, Po Box 981540, El Paso, TX 79998-1540
518343184 +Amex, P.O. Box 981537, El Paso, TX 79998-1537
518343186 +Amex/Bankruptcy, Po Box 8218, Mason, OH 45040-8218
518343185 +Amex/Bankruptcy, Correspondence, Po Box 981540, El Paso, TX 79998-1540
518343187 +Atrium Post Acute Care of Livingston, 348 East Cedar Street, Livingston, NJ 07039-4221
518343190 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
(address filed with court: Bank Of America, Attn: Bankruptcy, Po Box 982238,
El Paso, TX 79998)
518343189 +Bank Of America, 4909 Savarese Circle, Fl1-908-01-50, Tampa, FL 33634-2413
518419756 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
518618710 +Cedar Street Commons, Rosenberg & Rosenberg, 2816 Morris Ave., Suite 23,
Union, New Jersey 07083-4869
518343193 +Chase Auto Finance, Po Box 901003, Ft Worth, TX 76101-2003
518343196 +Equifax, PO BOX 740241, Atlanta, GA 30374-0241
518343197 +Experian, PO BOX 9701, Allen, TX 75013-9701
518343198 +First Class Movers, Inc., 18 Passaic Avenue, Unit 3, Fairfield, NJ 07004-3834
518357206 +Goldberg Realty Associates, 33 Clinton Road, Caldwell, NJ 07006-6790
518354936 +Goldberg Realty Associates, 33 Clinton Road, Ste 202, West Caldwell, NJ 07006-6790
518343199 +Imaging Consultants of Essex, P.O. Box 3247, Indianapolis, IN 46206-3247
518343201 +KML Law Group, P.C., 216 Haddon Ave, Suite 406, Westmont, NJ 08108-2812
518343204 +Melissa C Lamonica, 768 Springfield Ave, Unit C-1, Summit, NJ 07901-2333
518343205 +Monmouth Ocean Hospital Service Corp, 4806 Megill Road, Suite 3, Neptune, NJ 07753-6926
518343206 +Nissan Motor Acceptance, P.o. Box 660366, Dallas, TX 75266-0366
518343207 +Nissan Motor Acceptance, Attn: Bankruptcy Dept, Po Box 660360, Dallas, TX 75266-0360
518343210 +PSE&G, PO Box 14444, New Brunswick, NJ 08906-4444
518343215 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
TRENTON NJ 08646-0245
(address filed with court: State of New Jersey, Division of Taxation, Bankruptcy Unit,
PO Box 245, Trenton, NJ 08695-0245)
518343211 +Santander Bank, Mail Code: MA1-MB3-01-21, 2 Morrissey Boulevard, Boston, MA 02125-3312
518343212 +Santander Bank, Po Box 841002, Boston, MA 02284-1002
518343213 +Santander Bank, 450 Penn St, Reading, PA 19602-1011
518415799 +Santander Bank, N.A., 450 Penn Street, Mail Code 10-421-MC3, Reading, PA 19602-1011
518343216 +Summit West Condominium, c/o Community Management Corp., 1225 Alma Rd Ste 100,
Richardson, TX 75081-2298
518343217 +Trans Union, PO BOX 2000, Chester, PA 19016-2000
518343218 +United Healthcare Insurance Company, PO Box 30607, Salt Lake City, UT 84130-0607
518343222 +Visa Dept Store National Bank/Macy's, PO Box 8218, Mason, OH 45040-8218
518343221 +Visa Dept Store National Bank/Macy's, Attn: Bankruptcy, Po Box 8053, Mason, OH 45040-8053

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
smg E-mail/Text: usanj.njbankr@usdoj.gov May 12 2020 23:38:46 U.S. Attorney, 970 Broad St.,
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreign03.ne.ecf@usdoj.gov May 12 2020 23:38:45 United States Trustee,
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
Newark, NJ 07102-5235
518343192 +E-mail/Text: bk.notifications@jpmchase.com May 12 2020 23:38:32 Chase Auto Finance,
Attn: Bankruptcy, Po Box 901076, Fort Worth, TX 76101-2076
518459571 E-mail/Text: bnc-quantum@quantum3group.com May 12 2020 23:38:34
Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657,
Kirkland, WA 98083-0657
518343200 E-mail/Text: sbse.cio.bnc.mail@irs.gov May 12 2020 23:38:02 IRS, PO BOX 7346,
Philadelphia, PA 19101-7346
518343194 E-mail/PDF: ais.chase.ebn@americaninfosource.com May 12 2020 23:43:47 Chase Card Services,
Correspondence Dept, Po Box 15298, Wilmington, DE 19850
518343195 E-mail/PDF: ais.chase.ebn@americaninfosource.com May 12 2020 23:43:47 Chase Card Services,
P.o. Box 15298, Wilmington, DE 19850
518417953 E-mail/Text: bk.notifications@jpmchase.com May 12 2020 23:38:32 JPMorgan Chase Bank, N.A.,
National Bankruptcy Department, P.O. Box 29505 AZ1-5757, Phoenix, AZ 85038-9505
518343203 E-mail/Text: camanagement@mtb.com May 12 2020 23:38:14 M & T Bank, 1 Fountain Plz,
Buffalo, NY 14203
518343202 E-mail/Text: camanagement@mtb.com May 12 2020 23:38:14 M & T Bank, Attn: Bankruptcy,
Po Box 844, Buffalo, NY 14240
518404922 E-mail/Text: camanagement@mtb.com May 12 2020 23:38:14 M&T BANK, PO BOX 840,
Buffalo, NY 14240
518454738 +E-mail/Text: bankruptcydpt@mcsmcg.com May 12 2020 23:38:44 MIDLAND FUNDING LLC,
PO BOX 2011, WARREN MI 48090-2011
518343209 +E-mail/Text: bnc@nordstrom.com May 12 2020 23:37:58 Nordstrom Signature Visa,
13531 E Caley Ave, Englewood, CO 80111-6505

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 54

Date Rcvd: May 12, 2020

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

518343208 +E-mail/Text: bnc@nordstrom.com May 12 2020 23:37:58 Nordstrom Signature Visa,
Attn: Bankruptcy, Po Box 6555, Englewood, CO 80155-6555
518343214 +E-mail/Text: clientservices@simonsagency.com May 12 2020 23:39:21 Simons Agency, Inc.,
Attn: Bankruptcy, 4963 Wintersweet Dr., Liverpool, NY 13088-2176
518343219 +E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com May 12 2020 23:35:42
Verizon, Verizon Wireless Bk Admin, 500 Technology Dr Ste 550,
Weldon Springs, MO 63304-2225
518449930 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM May 12 2020 23:56:00 Verizon,
by American InfoSource as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
518343220 +E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com May 12 2020 23:35:42
Verizon, 500 Technology Dr, Weldon Spring, MO 63304-2225

TOTAL: 18

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

518561056 M & T Bank
518343223 Woodlands at West Orange Condo
518343191* ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
(address filed with court: Bank Of America, Po Box 982238, El Paso, TX 79998)
518475126* JPMorgan Chase Bank, N.A., National Bankruptcy Department, P.O. Box 29505 AZ1-5757,
Phoenix, AZ 85038-9505

TOTALS: 2, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 14, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 5, 2020 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor M&T BANK dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Kevin Gordon McDonald on behalf of Creditor M&T BANK kmcdonald@kmlawgroup.com,
bkgroup@kmlawgroup.com
Marie-Ann Greenberg magecf@magtrustee.com
Melissa N. Licker on behalf of Creditor M&T BANK NJ_ECF_Notices@mccalla.com,
mccallaecf@ecf.courtdrive.com
Phillip Andrew Raymond on behalf of Creditor M&T BANK phillip.raymond@mccalla.com,
mccallaecf@ecf.courtdrive.com
Scott E. Tanne on behalf of Debtor Anthony C. Lamonica ecf@tannelaw.com,
tanne.ecf.email@gmail.com;tannesr87179@notify.bestcase.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 7